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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/639,908 08/16/00 JOAO

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EXAMINER

RAYMOND A JOAO ESQ  
122 BELLEVUE PLACE  
YONKERS NY 10703

AKERS, G

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

09/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/639,908</b>	Applicant(s) <b>Joao</b>
	Examiner <b>Geoffrey Akers</b>	Art Unit <b>2164</b>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on May 31, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 21-40 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 21-40 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirem

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	20) <input type="checkbox"/> Other: _____

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## **DETAILED ACTION**

### *Response to Amendment*

1. This correspondence is in response to the amendments filed 5/31/2001.
2. Claims 1-20 have been canceled. Claims 21-40 have been added. Claims 21-40 are pending.
3. Applicants' arguments filed on 5/31/ 2001 have been fully considered, and discussed within the following rejection under 35 U. S. C.102 are not deemed to be persuasive. Therefore, claims 21-40 are rejected under 35 U. S. C.102 as being unpatentable over the art cited below, and Applicant's request for allowance is denied.

### *Double Patenting*

4. Claims 25-28 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 21-24. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP 706.03(k). Independent claims 21 and 25 are identical except for the receiver in claim 21: "...receives a request from an individual for information regarding at least one of the state of, a value of, a change in value of, and a percent change in, said at least one factor... "(Page 3, lines 6-9), The receiver in claim 25 refers to a request from an individual for information about an account that: "...can be correlated with at least one of the state of, a value of, a change in value of, and a percent change in, said at least one factor"(Page 7, line 22-page 8, line 2). These are substantially duplicate features because in both of them the individual is requesting an information

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regarding at least one of the state of, a value of, a change in value of, and a percent change in, said at least one factor. These two claims are not patentably distinct. Similarly, claims 22-24 and 26-28 have exact duplicate wording and depend upon claims 21 and 25, respectively; and are thus considered duplicates.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Homi Byramii

[Databases boost fundamental analysis (automation in the investment industry), Wall Street Computer Review, Nov. 1988, Vol. 6, No. 2, page 46(8)] (hereinafter called Byramji).

Claims 21 and 25: Byramji discloses an apparatus for providing financial information and/or investment information, comprising:

a database ("...databases...", page 2, lines 34-37; "... large databases...", page 2, line 22 and page 3, lines 17-21), wherein said database stores information regarding at least one factor and information regarding at least one of a stock (page 7, line 12), a bond, a security (page 1, line 14), securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy

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product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, which can be correlated ("...calculate...", page 2, line 48 and page 5, lines 9-16) with said at least one factor (page 1, line 46); a receiver ("...users can download standard, analytic or financial...", page 2, lines 57-58; "...users have unlimited dial-up access to Fact Set's mainframe...", page 3, lines 14-16; "...users dial into the IDC computers ...on line...", page 3, line 52; and "... installed on user's in-house computers and... networks...", page 6, lines 26-27), wherein said receiver receives a request from an individual for information regarding at least one of a state of, a value of, a change in value of, and a percent change in, said at least one factor, and information regarding at least one of a stock (page 7, line 12), a bond (page 1, line 14), a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, which can be correlated ("...calculate...", page 2, line 48 and page 5, lines 9-16) with said at least one factor (page 1, line 46); a processor ("computer", page 1, line 16, page 2, line 4 and "processing", line 43, "software", page 3, lines 28-30), wherein said processor processes said request in conjunction with said information stored in said database, and further wherein said

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processor generates a report, wherein said report contains information regarding at least one of a state of, a value of, a change in value of, and a percent change in, said at least one factor and information regarding at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, which is correlated with at least one of a state of, a value of, a change in value of, and a percent change in, said at least one factor, wherein said report (page 3, lines 4-6 and 17-25, and page 7, line 8) further contains at least one of historical information, statistical information and forecasting information; and a transmitter ("appropriate delivery vehicle", page 2, line 23, and "on-line", page 3, line 53), wherein said transmitter transmits said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) to a communication device associated with the individual.

Claims 22 and 26: Byramji discloses the apparatus of claims 21 and 25, wherein said at least one factor is at least one of a financial factor, a factor model, a factor ratio (page 1, line 46), a stock, a bond, a security, a portfolio of securities, a financial market, a market index, a currency, a commodity, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a

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bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, is at least one of a financial factor, a factor model, a technical factor, a fundamental factor, an economic factor, a market factor, a utility factor, a commodity factor, an energy factor, a psychological factor, an environmental factor, a time factor, a timing factor, and a news event.

Claims 23 and 27: Byramji discloses the apparatus of claims 21 and 25, wherein the communication device is at least one of a personal computer (page 3, line 53, and page 4, lines 5 and 6), a hand-held computer, a palmtop computer, a laptop computer, a personal communication device, a personal digital assistant, a telephone, a digital telephone, a display telephone, a video telephone, a videophone, a 3G telephone, a cellular telephone, a wireless telephone, a television, an interactive television, a beeper, a pager, and a watch, and further wherein said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) contains at least one of a text information, graphical information, a chart, a table, video information, an image, and audio information.

Claims 24 and 28: Byramji discloses the apparatus of claim 21 and 25, wherein said information stored in said database ("...databases...", page 2, lines 34-37; "...large databases...", page 2, line 22 and page 3, lines 17-21) is updated by at least one of a financial institution computer, a financial intermediary computer, an external information source computer, and a security issuer computer (Page 5, lines 6-8).

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Claim 29: Byramji discloses an apparatus for providing financial information and/or investment information, comprising:

a receiver ("...users can download standard, analytic or financial...", page 2, lines 57-58; ``...users have unlimited dial-up access to Fact Set's mainframe...", page 3, lines 14-16; "...users dial into the IDC computers ...on line...", page 3, line 52; and "...installed on user's in-house computers and... networks...", page 6, lines 26-27), wherein said receiver receives a request from an individual to receive notification (page 2, line 2) regarding at least one of a state of, a change in state of, a change in value of, and a percent change in value of, at least one factor along with information regarding how said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor at least one of can and may affect at least one of a stock (page 7, line 12), a bond, a security (page 1, line 14), securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account; a processor ("computer", page 1, line 16, page 2, line 4 and "processing", line 43, "software", page 3, lines 28-30), wherein said processor detects said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor, and further wherein said processor processes said request and

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generates at least one of a notification signal (page 2, line 23), for providing notification to the individual regarding said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor, a notification message, for providing notification to the individual regarding said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor, and a report containing information regarding said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor along with information regarding how said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor at least one of can and may affect said at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account; and a transmitter ("appropriate delivery vehicle", page 2, line 23, and "on-line", page 3, line 53), wherein said transmitter transmits at least one of said notification signal, said notification message, and said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8), to a communication device associated with the individual.

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Claim 30: Byramji discloses the apparatus of claim 29, wherein said at least one factor is at least one of a financial factor, a factor model (page 1, line 46), a factor ratio, a stock, a bond, a security, a portfolio of securities, a financial market, a market index, a currency, a commodity, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, is at least one of a financial factor, a factor model, a technical factor, a fundamental factor, an economic factor, a market factor, a utility factor, a commodity factor, an energy factor, a psychological factor, an environmental factor, a time factor, a timing factor, and a news event.

Claim 31: Byramji discloses the apparatus of claim 29, wherein the communication device is at least one of a personal computer (Page 3, line 53, and page 4, lines 5 and 6), a hand-held computer, a palmtop computer, a laptop computer, a personal communication device, a personal digital assistant, a telephone, a digital telephone, a display telephone, a video telephone, a videophone, a 3G telephone, a cellular telephone, a wireless telephone, a television, an interactive television, a beeper, a pager, and a watch, and further wherein said report contains at least one of a text information, graphical information, a chart, a table, video information, an image, and audio information.

Claim 32: Byramji discloses the apparatus of claim 29, wherein said information stored in said database (databases, page 2, lines 34-37, large databases, page 2, line 22, page 3, lines 17-21) is

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updated by at least one of a financial institution computer, a financial intermediary computer, an external information source computer, and a security issuer computer (Page 5, lines 6-8).

Claim 33: Byramji discloses a method for providing financial information and/or investment information, comprising:

receiving ("...users can download standard, analytic or financial...", page 2, lines 57-58; "...users have unlimited dial-up access to Fact Set's mainframe...", page 3, lines 14-16; "...users dial into the IDC computers ...on line...", page 3, line 52; and "...installed on user's in-house computers and... networks...", page 6, lines 26-27) a request from an individual to receive information (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) regarding at least one of a state of, a change in state of, a change in value of and a percent change in value of, at least one factor along with information regarding how said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor at least one of can and may affect at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account; detecting ("comparing", page 1, line 43) said at least one of a state of, a change in state of, a change in

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value of, and a percent change in value of, said at least one factor (page 1, line 46); processing said request ("computer", page 1, line 16, page 2, line 4 and "processing", line 43, "software", page 3, lines 28-30); generating ("Generate detailed historical financial statements", page 1, line 32 and "Generate analytical reports such as ratio reports and common-sized reports...", page 1, lines 33 and 34) at least one of a notification signal (page 2, line 23), for providing notification to the individual regarding said at least one of a state of, a change in state of ("comparing", page 1, line 43), a change in value of, and a percent change in value of, said at least one factor, a notification message, for providing notification (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) to the individual regarding said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor, and a report containing information regarding said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor along with information regarding how said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor at least one of can and may affect said at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and

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an account; and transmitting ("on-line", page 3, line 53) at least one of said notification signal, said notification message, and said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8), to a communication device associated with the individual.

Claim 34: Byramji discloses an apparatus for providing financial information and/or investment information, comprising: a receiver ("...users can download standard, analytic or financial...", page 2, lines 57-58; "...users have unlimited dial-up access to Fact Set's mainframe...", page 3, lines 14-16; "...users dial into the IDC computers ...on line...", page 3, line 52; and "...installed on user's in-house computers and... networks...", page 6, lines 26-27), wherein said receiver receives a request from an individual to provide information for at least one of a financial account, a brokerage account, a trading account, a commodity trading account, an investment account, and an investor portfolio account, wherein said request contains at least one of a request to provide notification of at least one of a state of, a change in state of ("comparing", page 1, line 43), a change in value of, and a percent change in value of, at least one factor, an affect said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor at least one of can and may have on at least one of said at least one of a financial account, a brokerage account, a trading account, a commodity trading account, an investment account, and an investor portfolio account, and at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign

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exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, and instructions for performing an action (page 5, lines 14-18) on behalf of the individual; a processor ("computer", page 1, line 16, page 2, line 4 and "processing", line 43, "software", page 3, lines 28-30), wherein said processor detects ("comparing", page 1, line 43) said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor, and further wherein said processor determines an affect which at least one of a state of, a change in state of, a change in value of ("comparing", page 1, line 43), and a percent change in value of, said at least one factor at least one of can and may have on at least one of said at least one of a financial account, a brokerage account, a trading account, a commodity trading account, an investment account, and an investor portfolio account, and at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, and further wherein said processor performs an action (page 5, lines 14-18) on said at least one of a financial account, a brokerage account, a

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trading account, a commodity trading account, an investment account, and an investor portfolio account, on behalf of the individual, and further wherein said processor generates a report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8), wherein said report contains information regarding at least one of said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor, an affect said at least one of a state of, a change in state of, a change in value of, and a percent change in value of, said at least one factor at least one of can and may have on at least one of said at least one of a financial account, a brokerage account, a trading account, a commodity trading account, an investment account, and an investor portfolio account, and at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a financial market, a market index, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, and an account, and information regarding an action performed by said processor on said at least one of a financial account, a brokerage account, a trading account, a commodity trading account, an investment account, and an investor portfolio account, on behalf of the individual; and a transmitter ("appropriate delivery vehicle", page 2, line 23, and "on-line", page 3, line 5 3), wherein said transmitter transmits said report to a communication device associated with the individual.

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Claim 35: Byramji discloses the apparatus of claim 34, wherein said at least one factor is at least one of a financial factor, a factor model (page 1, line 46), a factor ratio, a stock (page 7, line 12), a bond, a security (page 1, line 14), a portfolio of securities, a financial market, a market index, a currency, a commodity, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a contract, is at least one of a financial factor, a factor model (page 1, line 46), a technical factor, a fundamental factor, an economic factor, a market factor, a utility factor, a commodity factor, an energy factor, a psychological factor, an environmental factor, a time factor, a timing factor, and a news event.

Claim 36: Byramji discloses the apparatus of claim 34, wherein the communication device is at least one of a personal computer (page 3, line 53, and page 4, lines 5 and 6), a hand-held computer, a palmtop computer, a laptop computer, a personal communication device, a personal digital assistant, a telephone, a digital telephone, a display telephone, a video telephone, a videophone, a 3G telephone, a cellular telephone, a wireless telephone, a television, an interactive television, a beeper, a pager, and a watch, and further wherein said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) contains at least one of a text information, graphical information, a chart, a table, video information, an image, and audio information.

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Claim 37: Byramji discloses the apparatus of claim 34, wherein said information stored in said database ("...databases...", page 2, lines 34-37; "...large databases...", page 2, line 22 and page 3, lines 17-21) is updated by at least one of a financial institution computer, a financial intermediary computer, an external information source computer, and a security issuer computer (Page 5, lines 6-8)..

Claim 38: Byramji discloses the apparatus of claim 34, wherein said action performed by said processor ("computer", page 1, line 16, page 2, line 4 and "processing", line 43, "software", page 3, lines 28-30) is at least one of purchasing, buying, selling, trading, borrowing, exchanging, taking a position in, obtaining a position in (page 5, lines 14-18), and liquidating a position in, at least one of a stock, a bond, a security, securities, a portfolio of securities, a market instrument, an index instrument, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, a financial instrument, and a contract associated with at least one of a stock (page 7, line 12), a bond, a security (page 1, line 14), securities, a portfolio of securities, a market instrument, an index instrument, a mutual fund, a trust, a currency, currencies, a commodity, commodities, a foreign exchange rate, an interest rate, a utility service, a utility product, an energy service, an energy product, a telecommunication service, a telecommunication

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product, a bandwidth service, a bandwidth product, a debt product, a credit product, a credit derivative product, a derivative, an option, a future, a forward, and a financial instrument.

Claim 39: Byramji discloses the apparatus of claim 38, wherein said report (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8) contains information regarding said action performed by said processor (page 5, lines 14-18).

Claim 40: Byramji discloses the apparatus of claim 34, wherein said apparatus utilizes at least one of an intelligent agent (page 5, lines 9-17), a software agent (page 2, lines 16-19, page 3, lines 1-59), and a mobile agent.

#### *Response to Arguments*

7. Applicant's arguments filed 5/31/2001 have been fully considered but they are not persuasive.
8. Applicant argues that "Byramji does not disclose or suggest an apparatus for providing financial information and/or investment information, which comprises..." (Page 27, lines Byramji discloses in his article "Databases boost fundamental analysis (automation in the investment industry)", on the Wall street Computer Review, vol. 6, No. 2, Nov. 1988, page 46 (8) the status of the financial information "...in the late 1980's..." (page 1, line 11, emphasis added) and added: "...Faced with turbulent securities markets, a shifty economy and intense pressure to squeeze the most performance out of every investment, money managers have reversed their early suspicion of computers and now recognize the value of their speed and efficiency" (page 1, lines 12-17, emphasis added). This turbulence in the financial markets results from many changes due to different factors that affect their products. Detecting and notifying these changes to the

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operators in the financial industry is the main objective of any financial information and/or investment information system, from the "late 1980's", as Byramji pointed out in his article. Thus, Byramji discloses an apparatus and a method for "providing financial information and/or investment information, which comprises...".

Applicant argues that the Byramji's apparatus does not comprises: "...receiver..." (page 27, line 11, page 30, line 19, page 34, line 4, page 37, line 19, page 41, line 15).

Byramji discloses:

"...users can download standard analytic or financial statement reports..." (page 2, lines 57-57), "... users have unlimited dial-up access to Fact Set's mainframe..." ( page 3, lines 14-16), "...users dial into the IDC computers ...on line..." ( page 3, line 52), "... installed on user's in-house computers and... networks..." (page 6, lines 26-27). Thus, Byramji discloses an apparatus that comprises a receiver feature and a method that comprises the step of receiving.

Applicant argues that the Byramji's apparatus does not comprises: "processor" (page 28, line 8, page 31, line 16, page 35, line 2, page 39, line 2, and page 43, line 2).

Byramji discloses:

"..."computer" (page 1, line 16 and page 2, line 4) and "...processing..." (page 2, line 43) and "...software..." (page 3, lines 28-30). Thus, Byramji discloses an apparatus that comprises a processor feature and a method that comprises the step of processing.

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Applicant argues that the Byramji's apparatus does not comprises: "transmitter" (page 29, line 11, page 32, line 16, page 36, line 12, page 40, line 13, and page 45, line 10).

Byramji discloses:

"...appropriate delivery vehicle..." (page 2, line 23), and

"...on-line..."(page 3, line 53). Thus, Byramji discloses an apparatus that comprises a transmitter feature and a method that comprises the step of transmitting.

Applicant argues that the Byramji's apparatus does not comprises: "generating a notification signal ...,...and said report..." (page 39, lines 6-7, and page 40, lines 12-17).

Byramji discloses:

"...report this data..." (page 1, line 30, page 2, line 39, page 3, line 23, page 4, lines 14 and 48, page 5, line 29 and page 7, line 8). Thus, Byramji discloses an apparatus that comprises a feature for generate a report and a method that comprises the step of generating a report.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any inquiry concerning this communication from the examiner should be directed to Dr. Geoffrey R. Akers, P.E. whose telephone number is (703) 306-5844. The examiner can normally be reached on weekdays from 6:30 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, can be reached on (703) 308-1065. The fax phone number for this Group is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

GRA

September 24, 2001

VINCENT MILLIN  
SUPERVISORY EXAMINER  
TECHNOLOGY CENTER 2100  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100